

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

**FILED**

JUL 28 2009

U.S. BANKRUPTCY COURT  
BY  DEPUTY

IN RE:

GARY V. ST. CLAIR and  
INA I. ST. CLAIR,

Debtors

§  
§  
§  
§  
§

CASE NO. 09-60792

Chapter 13

**RESPONSE IN OPPOSITION TO DEBTORS'  
MOTION FOR EXTENSION OF AUTOMATIC STAY**

TO THE HONORABLE BANKRUPTCY JUDGE:

NOW COMES JACKIE MATLOCK, a secured creditor herein ("Creditor"), and files this Response in Opposition to Debtors' Motion for Extension of Automatic Stay, and would respectfully show this Court the following:

1. Debtors filed their voluntary petition for relief on July 6, 2009, and filed their Motion for Extension of Automatic Stay on July 17, 2009.

2. Creditor opposes extension of the automatic stay pursuant to 11 U.S.C. §362(c) (3)(C)(i)(II) and (III).

3. Debtors were previously debtors in Case No. 04-62640 in the United States Bankruptcy Court for the Western District of Texas, Waco Division. By Order dated March 17, 2005, such case was summarily dismissed at the request of the Chapter 13 trustee for Debtors' failure to remain current on plan payments.

4. Debtors then filed Case No. 08-61134 in the United States Bankruptcy Court for the Western District of Texas, Waco Division. The case was summarily dismissed by Order dated December 4, 2008, but was reinstated by order dated January 5, 2009. This

case was again summarily dismissed by Order dated May 4, 2009, for delinquency of 60 days or more in plan payments, and for failure to comply with the provisions of a prior order.

5. Debtors made no adequate protection payments to Creditor during the pendency of case no. 08-61134.

6. To date, Debtors have made no adequate protection payments to Creditor in this case.

7. Debtors have made no payments to Creditor since October 2008.

8. There has not been a substantial change in the financial or personal affairs of the Debtors since the dismissal of the prior case sufficient to believe that the Debtors will be able to propose a confirmable plan that will be fully performed.

WHEREFORE, PREMISES CONSIDERED, Creditor Jackie Matlock respectfully requests that Debtors' Motion for Extension of the Automatic Stay be denied as to Creditor Jackie Matlock so that she may pursue her state law remedies to recover her collateral, and for such other and further relief to which Creditor may show herself justly entitled.

Respectfully submitted this 24<sup>th</sup> day of July, 2009.

PALMOS, RUSS, McCULLOUGH & RUSS, L.L.P.  
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By:   
Molly A. Hedrick  
State Bar No. 09370595

### CERTIFICATE OF SERVICE

This is to certify that this 24<sup>th</sup> day of July, 2009, a true and correct copy of the foregoing Response in Opposition to Debtors' Motion for Extension of Automatic Stay was served on the following in accordance with Local Rule 9013:

**DEBTOR:**

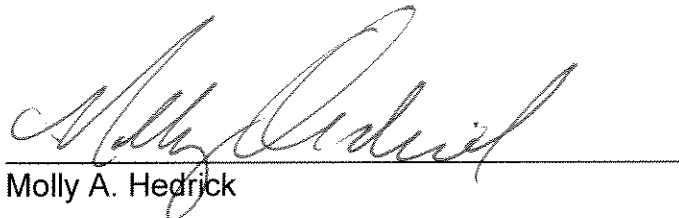
Gary V. St. Clair  
Ina I. St. Clair  
614 S. Commerce Street  
Bremond, Texas 76629  
Via First Class Mail, Postage Prepaid

**DEBTORS' ATTORNEY:**

Frank S. Steelman  
1810 Greenfield Plaza  
Bryan, Texas 77802  
Via Facsimile to (979) 846-3078

**CHAPTER 13 TRUSTEE:**

G. Ray Hendren  
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Suite 475  
Austin, Texas 78731  
Via Facsimile to (512) 482-8424



Molly A. Hedrick